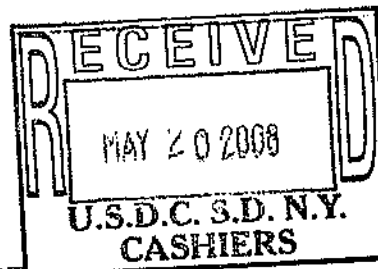


JUDGE BUCHWALD**08 CIV 4715**

Neil M. Zipkin (NZ 4718)
 Holly Pekowsky (HP 5034)
 AMSTER, ROTHSTEIN & EBENSTEIN LLP
 90 Park Avenue
 New York, New York 10016
 (212) 336-8000
 Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

----- -X	
DAN-DEE INTERNATIONAL LIMITED and	:
LEE CAPOZZI,	:
	: Civil Action No.
Plaintiffs,	:
	: <u>COMPLAINT</u>
v.	:
PBC INTERNATIONAL, INC.,	: JURY TRIAL DEMAND
	:
Defendant.	:
----- -X	

Plaintiffs, Dan-Dee International Limited ("Dan-Dee") and Lee Capozzi ("Mr. Capozzi") (collectively, Dan-Dee and Mr. Capozzi shall be referred to as "Plaintiffs") for their Complaint allege as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff Dan-Dee is a business entity organized under the laws of Delaware, having a principal place of business at 106 Harbor Drive, Jersey City, New Jersey 07305.
2. Mr. Capozzi is an individual residing in New Jersey. During all relevant times herein, Mr. Capozzi was an employee of Dan-Dee.

3. Upon information and belief, Defendant PBC International, Inc. ("PBC" or "Defendant") is a corporation organized and existing under the laws of the State of California having a principal place of business at 2300 Celsius Avenue, Oxnard, CA 93030.

4. Defendant is transacting and doing business within this Judicial District and is subject to the jurisdiction of this Court pursuant to the laws of this State and Rule 4 of the Federal Rules of Civil Procedure. By means of illustration only, Defendant: (1) sells its products, including, upon information and belief, the Infringing Dog, as hereinafter defined, to dealers and possibly online retailers within this judicial district; (2) advertises the Infringing Dog, as hereinafter defined, for sale to dealers, including dealers within this judicial district, on its website located at www.pbcintl.com ("PBC's Website"); (3) upon information and belief, sells its products, including the Infringing Dog, as hereinafter defined, to online retailers who in turn sell to customers located within this judicial district; and (4) permits users to listen to roughly the first third of the Infringing Sound Recording, as hereinafter defined, on PBC's Website (the "Infringing Sound Clip"), and upon information and belief, the Sound Clip has been played in this State through PBC's Website.

5. This Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1338 and based on principles of supplemental jurisdiction as codified at 28 U.S.C. § 1367.

6. Venue is proper pursuant to 28 U.S.C. 1391.

COUNT I

COPYRIGHT INFRINGEMENT WITH RESPECT TO STUFFED TOY WITH PHONE

7. This claim arises under the Copyright Laws of the United States, 17 U.S.C. § 101 *et seq.*

8. Dan-Dee designs, manufactures and sells a variety of high quality children's toys and playthings, including but not limited to plush toys, which generally consist of original and distinctive designs.

9. Among the many plush toys manufactured and sold by Dan-Dee is the original design of a distinctive dog with "googily" eyes and a white snout and belly wearing a Santa hat and tie and holding a cell phone in its right paw (the "Dog With Cell Phone").

10. The Dog With Cell Phone "sings" when a button on its left paw is pressed. In particular, when the button is pressed, a sound recording is activated ("Dan-Dee's Sound Recording") which consists of substantially the following:

- A. a cell phone ringing twice;
- B. the "Dog" answering the phone with a human/dog "Helwo";
- C. Santa saying "Ho Ho Ho. Hi it's Santa here," to the Dog;
- D. Santa singing a few lines of "Deck the Halls," "Santa Clause Is Coming To Town" or "Jingle Bells" with dog barks interspersed (each time the button is pressed, a different song is played); and
- E. the "Dog" saying "Goodbye Santa. Woof woof."

11. Dan-Dee is licensed to use the musical compositions in the Sound Recording (i.e., "Deck the Halls", "Jingle Bells" and "Santa Clause Is Coming To Town") in connection with the Dog With Cell Phone by the owners of said compositions through their representatives.

12. The Dog With Cell Phone also "dances" when the button on its left paw is pressed. In particular, once the button is pressed, and the cell phone sound is heard, the cell opens, and the upper half of the Dog moves, as well as its mouth.

13. Dan-Dee sells two variations of the Dog With Cell Phone under style number X645154MU (the "X645154MU Line"). Both versions of the Dog With Cell Phone contain the Sound Recording, and both versions do the same type of "dance."

14. In one version of the Dog With Cell Phone, the Dog has bushy eyebrows and a red tie. Exhibit 1 is a photograph showing both variations of the Dog With Cell Phone. The X645154MU Line was designed by Mr. Capozzi and other employees of Dan-Dee in 2005 in the scope of their employment as works for hire.

15. Both Dogs in the X645154MU Line are the subject of Copyright Registration No. VA 1-631-208 which issued on April 30, 2008 and is valid and subsisting.

16. Dan-Dee is the owner of the copyright in the X645154MU Line, which is the subject of Copyright Registration No. VA 1-631-208, and is the owner of the copyright in each individual Dog in the Line. Copies of Copyright Registration No. VA 1-631-208 and the deposit copy of the X645154MU Line, are annexed collectively as Exhibit 2.

17. Dan-Dee has manufactured and sold the X645154MU Line since at least as early as November, 2005. Since that time, Dan-Dee has sold substantial quantities of its X645154MU Line to several retailers.

18. Dan-Dee representatives recently saw substantially identical copies of the Dog With Cell Phone at one or more retail stores. The infringing dogs each bore a tag identifying Defendant PBC as the manufacturer ("the Infringing Dog"). A photograph of the Infringing Dog is annexed as Exhibit 3.

19. The Infringing Dog, like Dan-Dee's Dog With Cell Phone, sings and dances when a button on its left paw is pressed. As described more fully in Count II below, the sound recording utilized in the Infringing Dog is identical to Dan-Dee's Sound Recording.

20. The Infringing Dog's dance is similar to that of the Dog With Cell Phone.

21. A side-by-side photograph of the Dan-Dee Dog With Cell Phone and the Infringing Dog is annexed as Exhibit 4.

22. The Infringing Dog is currently being advertised and offered for sale to dealers on PBC's Website. A copy of the relevant page from PBC's website is annexed as Exhibit 5.

23. Upon information and belief, since at least as early as the Christmas 2007 wholesale selling season, Defendant PBC copied the X645154MU Line by importing, manufacturing, offering for sale and selling and/or causing to be manufactured, distributed, advertised, promoted, offered for sale and/or sold the Infringing Dog.

24. Defendant PBC's sale of the Infringing Dog is in competition with Dan-Dee and the acts alleged herein have been without the permission, license or consent of Dan-Dee.

25. Defendant's acts alleged herein constitute violations of the exclusive rights of Dan-Dee under 17 U.S.C. §§ 106, 113 and 602 and constitute infringement under 17 U.S.C. § 501.

26. Upon information and belief, Defendant PBC is a sophisticated business and, well prior to the wholesale selling season for Christmas 2007, was either aware of Dan-Dee's copyright in the Dog With Cell Phone, or acted with reckless disregard as to whether Dan-Dee had a copyright in the Dog With Cell Phone. Therefore, upon information and belief, Defendant PBC's infringement was not innocent, and was, in fact, knowing and willful.

27. Dan-Dee has suffered and will continue to suffer damage to its business, including loss of its reputation for exclusivity for the distinctive design of its Dog With Cell Phone, as well as loss of sales in an amount not yet known but believed to be in excess of \$250,000.

28. Defendant PBC's continuing acts are damaging to Dan-Dee in a manner for which Dan-Dee has no adequate remedy at law.

COUNT II

COPYRIGHT INFRINGEMENT WITH RESPECT TO DAN-DEE'S SOUND RECORDING

29. This claim arises under the Copyright Laws of the United States, 17 U.S.C. § 101 *et seq.*

30. Plaintiffs repeat and reallege the allegations in the preceding paragraphs of this Complaint as though fully set forth herein.

31. Dan-Dee's Sound Recording was created by Mr. Capozzi in 2005 in the scope of his employment as a work for hire. The Sound Recording features the voice of Mr. Capozzi ("Mr. Capozzi's Voice").

32. Dan-Dee's Sound Recording is the subject of a pending Copyright Application (the "Application"). Dan-Dee is the owner of the copyright in Dan-Dee's Sound Recording, and the pending Application. A copy of the Application and the cover letter to the Copyright Office enclosing the Application are annexed collectively as Exhibit 6. The deposit copy, namely a CD of Dan-Dee's Sound Recording and a photograph of the Dog With Cell Phone are available for inspection.

33. Dan-Dee will amend its Complaint to assert the Copyright Registration for Dan-Dee's Sound Recording as soon as the same issues.

34. Dan-Dee has manufactured and sold Dan-Dee's Sound Recording as an integral component of the Dog With Cell Phone since at least as early as November 2005. Since that time, Dan-Dee has sold substantial quantities of the Dog With Cell Phone incorporating Dan-Dee's Sound Recording to several retailers.

35. As discussed more fully above, the Infringing Dog sold by PBC incorporates a sound recording which is substantially identical to Dan-Dee's Sound Recording (the "Infringing Sound Recording"). A CD with the Infringing Sound Recording is available.

36. As discussed more fully above, PBC makes the Infringing Sound Clip which features a substantial portion of the Infringing Sound Recording available for download on PCB's Website.

37. Upon information and belief, since prior to the wholesale selling season for Christmas 2007, PBC copied Dan-Dee's Sound Recording by importing, manufacturing, offering for sale and selling and/or causing to be manufactured, distributed, advertised, promoted, offered for sale and/or sold the Infringing Dog incorporating the Infringing Sound Recording and the Infringing Sound Clip.

38. Defendant PBC's sale of the Infringing Dog incorporating the Infringing Sound Recording is in competition with Dan-Dee and the acts alleged herein have been without the permission, license or consent of Dan-Dee.

39. Defendant PBC's sale of the Infringing Dog incorporating the Infringing Sound Recording and use of the Infringing Sound Clip has been without the permission, license or consent of Dan-Dee.

40. Defendant PBC's acts alleged herein constitute violations of the exclusive rights of Dan-Dee under 17 U.S.C. §§ 106, 113 and 602 and constitute infringement under 17 U.S.C. § 501.

41. Upon information and belief, Defendant PBC is a sophisticated business and, well prior to the wholesale selling season for Christmas 2007, was either aware of Dan-Dee's copyright in the Sound Recording, or acted with reckless disregard as to whether Dan-Dee had a copyright in the Sound Recording. Therefore, upon information

and belief, Defendant PBC's infringement was not innocent, and was, in fact, knowing and willful.

42. Dan-Dee has suffered and will continue to suffer damage to its business, including loss of its reputation for exclusivity for the distinctive Sound Recording, as well as loss of sales in an amount not yet known but believed to be in excess of \$250,000.

43. Defendant PBC's continuing acts are damaging to Dan-Dee in a manner for which Dan-Dee has no adequate remedy at law.

COUNT III

VIOLATION OF § § 50, 51 OF NEW YORK CIVIL RIGHTS LAW WITH RESPECT TO MR. CAPOZZI'S VOICE

44. This claim arises under § § 50, 51 of New York Civil Rights Law.

45. Plaintiffs repeat and reallege the allegations of the preceding paragraphs of this Complaint as though fully set forth herein.

46. Upon information and belief, the Infringing Dog incorporating the Infringing Sound Recording has been sold in the State of New York.

47. Upon information and belief, the Infringing Sound Recording, or portion thereof, has been played to or by consumers or potential consumers in the State of New York.

48. Upon information and belief, the Infringing Music Clip has been played in the State of New York.

49. As indicated above, Mr. Capozzi's voice is featured in Dan-Dee's Sound Recording.

50. Mr. Capozzi has made Dan-Dee his agent with the authority to grant licenses and to bring suit on his behalf for any violation of his right of publicity relating to Dan-Dee's Sound Recording.

51. The Infringing Sound Recording features Mr. Capozzi's Voice, or a virtually identical imitation thereof (the "Infringing Voice").

52. The use of the Infringing Voice in the Infringing Sound Recording, both as incorporated in the Infringing Dog and in the Infringing Sound Clip is without the written consent of either Dan-Dee or Mr. Capozzi.

53. The use of the Infringing Voice in the Infringing Sound Recording was for the purposes of advertising and/or trade.

54. The use of the Infringing Voice in the Infringing Sound Clip was for the purposes of advertising and/or trade.

55. The use of the Infringing Voice in the Infringing Sound Recording and the Infringing Sound Clip was in such manner as is forbidden by Section 51 of the Civil Rights Law of the State of New York.

56. Plaintiffs have suffered and will continue to suffer damage to their business, including loss of their reputation for exclusivity for Mr. Capozzi's Voice, as well as loss of licensing opportunities and loss of sales in an amount not yet known but believed to be in excess of \$250,000.

57. Defendant PBC has been unjustly enriched by use of Mr. Capozzi's Voice.

58. PBC's conduct in misappropriating Mr. Capozzi's Voice was intended to wrongfully enrich PBC and to deliberately and willfully injure Plaintiffs.

59. Defendant PBC's continuing acts are damaging to Plaintiffs in a manner for which Plaintiffs have no adequate remedy at law.

THEREFORE, Plaintiffs request judgment against Defendant PBC as follows:

WITH RESPECT TO DAN-DEE'S COPYRIGHT IN THE
DOG WITH CELL PHONE AND SOUND RECORDING

I. A. Defendant and its officers, agents, servants, employees and attorneys and all those in active concert and participation with them, be preliminarily and permanently enjoined from:

- (i) manufacturing, reproducing, displaying, publishing, vending, downloading, distributing, selling, promoting, importing, and/or advertising, assisting, inducing, or contributing to the manufacturing, reproducing, displaying, publishing, vending, downloading, distributing, selling, promoting, and/or advertising any product that contains substantial material copied from and substantially similar to the copyrighted Dog With Cell Phone and/or Dan-Dee's Sound Recording, including, without limitation, the Infringing Dog, the Infringing Sound Recording and the Infringing Sound Clip; and
- (ii) otherwise infringing the copyright in the Dan-Dee Dog With Cell Phone, namely, the copyright represented by Copyright Registration No. VA. VA 1-631-208;

(iii) otherwise infringing the copyright in Dan-Dee's Sound Recording, the copyright registration for which will, upon information and belief, be forthcoming;

B. During the pendency of this lawsuit Defendant be required to deliver to Dan-Dee for storage or destruction all copies of the Infringing Dog, the Infringing Sound Recording and the Infringing Music Clip.

C. Defendant be required to pay to Dan-Dee such actual damages as Dan-Dee sustained in consequence of the infringements by Defendant of the copyright in the Dog With Cell Phone and Dan-Dee's Sound Recording, to account for all gains, profits and advantages.

WITH RESPECT TO PLAINTIFFS' RIGHTS IN MR. CAPOZZI'S VOICE

II. A. Defendant and its officers, agents, servants, employees and attorneys and all those in active concert and participation with them, be preliminarily and permanently enjoined from:

(i) manufacturing, reproducing, displaying, publishing, vending, downloading, distributing, selling, promoting, importing, and/or advertising, assisting, inducing, or contributing to the manufacturing, reproducing, displaying, publishing, vending, downloading, distributing, selling, promoting, and/or advertising any product that contains Mr. Capozzi's Voice or any sound-alike voice, including, without limitation, the Infringing Sound Recording and the Infringing Sound Clip;

(ii) otherwise infringing Mr. Capozzi's Voice;

B. Defendant be required to pay to Plaintiffs damages for injuries sustained by reason of its use of Mr. Capozzi's Voice and since PBC knowingly used Mr. Capozzi's Voice in violation of this Section, exemplary damages.

C. Defendant be required to pay Plaintiffs' reasonable attorneys fees.

III. Plaintiffs have such other and further relief as the Court may deem just and proper.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Plaintiffs
90 Park Avenue
New York, New York 10016
(212) 336-8000

By: 

Neil M. Zipkin (NZ 4718)
Holly Pekowsky (HP 5034)

Dated: New York, New York

May 19, 2008

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs hereby demand trial by jury on all issues triable by right of jury in this action.

EXHIBIT 1



X6 4 5 1 5 4 MU 05/17G

EXHIBIT 2

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

**

Registration Number:

VA 1-631-208

Effective date of
registration:

April 30, 2008

Title

Title of Work: STUFFED TOY WITH PHONE

Nature of Work: Stuffed Toy

Completion/Publication

Year of Completion: 2005

Date of 1st Publication: October 15, 2005

Nation of 1st Publication: Hong Kong

Author

Author: Dan-Dee International Limited

Author Created: 3-Dimensional sculpture

Work made for hire: Yes

Domiciled in: United States

Anonymous: No

Pseudonymous: No

Copyright claimant

Copyright Claimant: Dan-Dee International Limited

106 Harbor Drive, Jersey City, NJ 07305

Limitation of copyright claim

Previously registered: No

Certification

Name: Neil M Zipkin, authorized agent of Dan-Dee International Limited

Date: April 28, 2008

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Neil M. Zipkin, Esq.
90 Park Avenue
New York, NY 10016

Service Request #: 1-59742980

Registration #: VA0001631208



IPN#:



X6 4 5 1 5 4 MU 05/17G

EXHIBIT 3



EXHIBIT 4



EXHIBIT 5

Welcome to PBC International - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.pbcintl.com/store/catalog.taf?function=detail&product_id=1206 Go

PBC INTERNATIONAL, INC.
"Making History One Gift at a Time"

SINGING BEARS
MUSICAL & ANIMATED GIFTS

Chantilly Lane
MUSICAL COLLECTION

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Products > Christmas 2008-09 > Holiday Singing & Animated Gifts > Item No. G5046

Chantilly Lane® Collection

Mother's Day 2008-09

Grad's & Dads 2008-09

Christmas 2008-09

Easter & Spring 2008-09

Valentine's Day 2008-09

Halloween 2008-09

Everyday Fun! 2007-08

Hoah Talking Bear Collection (TM)

Judaica

Irish

Displays / Accessories


Flip the Cell Phone Dog
(Item No. G5046)

12" Flip dog with Santa hat and scarf holds a cellular phone. Push his paw and the cell phone rings and flips open! It's Santa on the phone! Santa and Flip have a short conversation, then the pooch sings one of three Christmas songs. Head sways & mouth moves while singing. (Jingle Bells, Deck the Halls, Santa Claus is Coming to town). □ Case Pack: 6 / Case Cube 2.4

Dealers, please [login](#) to see pricing

Related Files

[Cell Phone Dog \(MP3 - 45.49 KB\)](#)



Internet

EXHIBIT 6

Copyright Office fees are subject to change.
For current fees, check the Copyright Office
website at www.copyright.gov, write the Copy-
right Office, or call (202) 707-3000.



REGISTRATION NUMBER

SR / SRU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

SANTA VOICE AND SONG

PREVIOUS, ALTERNATIVE, OR CONTENTS TITLES (CIRCLE ONE) ▼

N/A

2

NAME OF AUTHOR ▼

a Dan-Dee International Limited

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

N/A

Was this contribution to the work a
"work made for hire"?☒ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼ United States

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORKAnonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ NoIf the answer to either
of these questions is
"Yes," see detailed
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Sound Recording

NOTE

Under the law,
the "author" of
a "work made
for hire" is
generally the
employer, not
the employee
(see Instruc-
tions). For any
part of this
work that was
"made for
hire," check
"Yes" in the
space
provided, give
the employer
(or other
person for
whom the work
was prepared)
as "Author" of
that part, and
leave the
space for dates
of birth and
death blank.

b

NAME OF AUTHOR ▼

Was this contribution to the work a
"work made for hire"?☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORKAnonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ NoIf the answer to either
of these questions is
"Yes," see detailed
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c

NAME OF AUTHOR ▼

Was this contribution to the work a
"work made for hire"?☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORKAnonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ NoIf the answer to either
of these questions is
"Yes," see detailed
instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS
WORK WAS COMPLETED

a 2005

This information
must be given
in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

b

Complete this information
ONLY if this work
has been published.

Month ▼ October

Day ▼ 15

Year ▼ 2005

Hong Kong

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as
the author given in space 2. ▼a Dan-Dee International Limited
106 Harbor Drive
Jersey City, NJ 07305TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in
space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

b N/A

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

DO NOT WRITE HERE
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MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of _____ pages

EXAMINED BY

FORM SR

CHECKED BY

CORRESPONDENCE

☐ YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This work was previously registered in unpublished form and now has been published for the first time.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a N/A

6

See instructions
before completing
this space.**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a deposit account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

7

a

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Neil M. Zipkin, Esq.

AMSTER ROTHSTEIN & EBENSTEIN LLP

90 Park Avenue

New York, NY 10016

Area code and daytime telephone number 212-336-8000

Fax number 212-336-8001

Email nzipkin@arelaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▼

☐ author☐ owner of exclusive right(s)☐ other copyright claimant☒ authorized agent of Dan-Dee International Limited

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

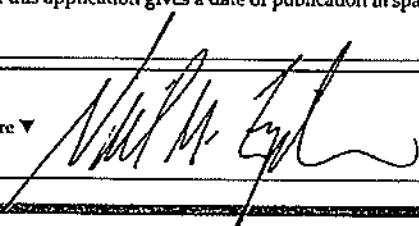
Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Neil M. Zipkin

Date

04/28/08

Handwritten signature ▼



9

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:**

1. Application form
2. Nonrefundable filing fee in check or money order payable to *Registrar of Copyrights*
3. Deposit material

MAIL TO:

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

Certificate
will be
mailed in
window
envelope
to this
address

Name ▼

Neil M. Zipkin, Esq.

AMSTER, ROTHSTEIN & EBENSTEIN LLP

Number/Street/Apt ▼

90 Park Avenue

City/State/Zip ▼

New York, NY 10016

AMSTER ROTHSTEIN & EBENSTEIN LLP

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90 Park Avenue
New York NY 10016

Main 212 336 8000

Fax 212 336 8001

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Michael J. Kasdan
Rebecca R. Eisenberg
Stuart Stapley
Howard Wizenfeld
Steven B. Gauthier
Brett M. Pinkus*
Benjamin Charkow
Jeffrey Shich

*Not admitted in New York

April 28, 2008

Via Express Mail

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

Neil M. Zipkin

Direct 212 336 8120


E-mail nzipkin@arelaw.com

"Express Mail" mailing label No.: **EV 592 511 664 U**

Date of Deposit: **April 28, 2008**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service on the date indicated above and is addressed to: Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000.

Name: **Daniel Barnes**

Signature: 

Re: New U.S. Copyright Application
Author - Dan-Dee International Limited
Title of Work: SANTA VOICE AND SONGS
Our File: 28550/673

EV 592 511 664 US

Sir:

Enclosed for filing relative to the above-identified Application, please find the following:

1. Application Form SR;
2. one (1) CD embodying the sound recording which is the subject of the Application;
3. one (1) digital photograph of the stuffed toy which features the sound recording. In particular, the sound recording is activated when a user presses the button on the left paw of the toy; and
4. Postcard.

Also enclosed, please find an Amster, Rothstein & Ebenstein LLP check in the amount of \$45.00 to cover the cost of filing the Application.

In the event that the enclosed fee is insufficient, please charge any deficiency to the deposit account of the firm of Amster, Rothstein & Ebenstein, Deposit Account No. DA 55069. A further copy of this letter is enclosed.

Library of Congress

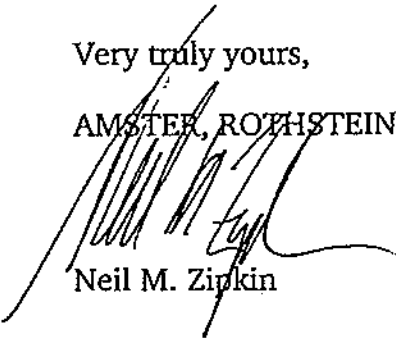
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April 28, 2008

Please stamp the enclosed postal card and return the same to the attention of the undersigned to serve as a receipt for our records; and, forward the Certificate Of Copyright Registration as soon as it issues.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN LLP



Neil M. Zipkin

NMZ/HP:dpb
Enclosures

cc: Dan-Dee International Limited